

**INDIVIDUAL MOTION PRACTICES OF
JUDGE LEONARD D. WEXLER
United States District Court
944 Federal Plaza
Central Islip, New York 11722
(631) 712-5640
Courtroom Deputy Clerk Josiah Kharjie
(631) 712-5645**

Chambers does not accept communications by fax without prior permission

AMENDED RULES -- EFFECTIVE 7/1/01

Unless otherwise ordered by the court in a specific case, matters before Judge Wexler shall be conducted in accordance with the following practices:

1. *Communications with Chambers*

A. *Letters*

Except as provided below communication with chambers shall be by letter, with copies simultaneously delivered to all counsel.

B. *Telephone Calls*

Telephone calls to chambers are permitted. For matters other than those listed in paragraph (D) below, call chambers at the number listed above.

C. *Faxes*

Faxes to chambers are not permitted without prior authorization of the court.

D. *Trial Scheduling and Calendar Matters*

All calls concerning these matters should be made to the Courtroom Deputy Clerk, Josiah Kharjie, at (631) 712-5645.

E. *Requests for Adjournments or Extensions of Time*

All requests for adjournments or extensions of time must state (1) the original date (2) the number of previous requests for adjournments or extensions (3) whether

these previous requests were granted or denied, and (4) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed revised scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency, it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

A. *Discovery Motions*

Discovery motions are to be directed to the Magistrate Judge assigned to the case.

B. *Pre-motion Conferences in Civil Cases*

A pre-motion conference with the court is required before making a motion for summary judgment or a motion to dismiss the complaint.

To arrange for a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All parties served with such a letter shall serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Federal Rules of Civil Procedure shall constitute timely service of a motion made pursuant to Federal Rule of Civil Procedure Rule 12(b).

C. *Courtesy Copies*

In addition to motion papers, courtesy copies of pleadings, marked as such, shall be submitted to chambers, as soon as practicable after filing.

D. *Memorandum of Law*

Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to twenty-five (25) pages, and reply memoranda are limited to ten(10) pages. Memoranda of ten pages or more shall contain a table of contents and a table of authorities.

E. *Filing of Motion Papers*

No motion papers shall be filed until the motion is fully briefed. The motion of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to Chambers and to the Magistrate Judge assigned to the case.

A briefing schedule will be established by the court at the pre-motion conference. The parties may revise the schedule on consent and notice and approval by the court.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned Magistrate Judge and to opposing counsel.

F. *Oral Argument on Motions*

In the ordinary course, motions are taken on submission. Parties may request oral argument by letter upon the filing of the motion. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

G. *Stay of Discovery*

Discovery is not stayed during the time period when a motion is pending before the court.

3. *Completion of Discovery*

Discovery in cases before Judge Wexler is expected to be completed within nine months of the conference held pursuant to Rule 16 of the Federal Rules of Civil Procedure.

4. *Pretrial Procedures*

A. *Joint Pretrial Orders In Civil Cases*

Unless otherwise ordered by the court or the Magistrate Judge assigned to the case, the parties shall submit, within sixty days from the date for the completion of discovery in a civil case, to the Magistrate Judge assigned to the case, for approval a joint pretrial order, which shall include the following:

- i. the full caption of the action;
- A. the names, addresses (including firm names), and telephone and fax numbers of trial counsel;
- iii. a statement by each party that indicates whether the case is to be tried with or without a jury, and the number of trial days estimated to be needed;
- iv. a list by each party of the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice is given and good cause shown;
- v. a designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party;
- vi. a list by each party of exhibits to be offered in its case in chief. All exhibits listed are to be exchanged among the parties. Only listed and exchanged exhibits may be offered at trial. The list of exhibits shall indicate clearly whether there are objections to any exhibit, whether on the ground of authenticity or other ground. Any objections regarding any listed exhibit shall be brought to the attention of the court prior to trial.

5. *Proposed Voir Dire*

Proposed voir dire is not required. Such voir dire may, however, be submitted to the court two days prior to the date schedule for jury selection.

6. *Requests to Charge*

Requests to charge, if any, are to be submitted to the court on the first day of trial.